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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,886	03/16/2000	Louis B. Omgbia	1368-0104P	1456
7590	01/29/2004			EXAMINER STEPHANY, TIMOTHY J
Birch Stewart Kolasch & Birch LLP P O Box 747 Falls Church, VA 22040-0747			ART UNIT 2622	PAPER NUMBER 7
			DATE MAILED: 01/29/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/526,886	OMGBA, LOUIS B. <i>Z</i>
	Examiner Timothy J. Stephany	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 March 2000.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

On page 3, line 8, item 13 is given as plural then after in the singular. Change "circuits" to "circuit" for consistency.

On page 5, line 22-23, remove ",it is facsimile machine 1,".

On page 5, line 23, separate "to the facsimile machine 1" by parentheses rather than commas, so as to read "the retransmission (to facsimile machine 1) of this"

On page 10, remove the text "Figure 2" from the page.

Appropriate correction is required.

Priority

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application in English should be submitted under 37 CFR 1.55 in reply to this action.

Otherwise, priority is not granted.

Drawings

The drawings are objected to because in Figure 1, many objects have not been named. All objects indicated in the drawings by reference characters should also have appropriate identifying labels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 3 is objected to because of the following informalities: grammatical error "in said period T" is not consistent with claim 1. Suggested change is to replace this with "at the end of period T", at which point facsimile 1 would retransmit its second packet of data. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka ('607) in view of Ravishankar ('577), in further view of Hardin ('760).

Regarding **claim 1**, the requirements that a packet of data be transmitted by the first facsimile machine and the moment of transmission input (to some input device), said packet being transmitted via a network to a second facsimile machine, and that said second facsimile machine moment of reception is input (to some input device), are all features of the T.30 facsimile transmission protocol, which is incorporated within the Tezuka invention (col. 1, lines 13-16, lines 62-64).

Standard T.30 facsimile protocol does not use an interval of time from transmission and a comparison of this to a threshold in determining whether the response from the second facsimile machine is retransmitted to the first or blocked.

Tezuka adds that there is a timer that measures the interval between two sequential signals (col. 3, lines 13-16) and that this interval is compared to a determined time interval, which is a retransmission threshold (col. 4, lines 13-19). Thus the use of a calculated interval was well known in the analogous art prior to the time of the invention of the application under consideration, the specific calculations being incorporated in the general and straight-forward range of the technique.

Tezuka fails to teach that this interval can be applied to blocking the retransmission signal, but the analogous art of Ravishankar adds that there is a means of buffering the response signal or not, depending upon the fax adaptor having received the appropriate command (col. 7, lines 9-14).

Regarding **claim 2**, Tezuka and Ravishankar fail to teach that the comparison of the time interval to the threshold determines whether or not the second packet from the first facsimile machine is transmitted. Hardin adds that in the case of a mobile end

system (M-ES) that if the time interval is greater than a parameter (threshold) that the data will be discarded (col. 8, lines 46-50), and its use in network communication suggests its obvious incorporation into the system treated above.

Regarding **claim 3**, Tezuka and Ravishankar disclose the process discussed above in claim 1, and Ravishankar further adds that the response to the command-sending entity (first facsimile machine) is held until it has retransmitted (col. 7, lines 63-64).

Given the similarity of the Tezuka and Ravishankar art in their structure, function and application to facsimile systems and transmissions, it would have been obvious to those of ordinary skill in the art at or before the time of the invention by the applicant to use the comparison of an interval to a threshold as a method for determining whether to allow or block a response signal and retransmissions, based upon the combined teachings of Tezuka and Ravishankar. Hardin using specifically a wireless link is also comparable to Ravishankar and thus it would have been obvious to those of ordinary skill in the art at or before the time of the invention by the applicant to use the comparison of an interval to a threshold as a method for whether data is to be blocked from transmission.

Additional Notes

Prior art references Tam ('172), Leung ('179), Leung ('195), Leung ('142), Yamamoto ('150) and Takamoto ('391) are only included as background sources and were not used in the determination of the validity of the claims contained in the pending application of this office action.

Tam refers to transmission delays in a communications networks, Leung ('179) and Leung ('195) refer to a means to solve data collision in communications networks, Leung ('142) is Leung's initial patent on wireless facsimile transmissions, and Yamamoto and Takamoto deal with network transmission timing.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Stephany whose telephone number is 703-305-8951. The examiner can normally be reached on 8:30 am - 4:30 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.



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